

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

WILLIE LEON BANKS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 7:19-cv-492-MHH-GMB
	)	
WARDEN GORDY, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

This is an action for a writ of habeas corpus action filed by petitioner Willie Leon Banks, *pro se*, on or about March 27, 2019. (Doc. 1). Mr. Banks challenges his November 15, 2017 life with parole state sentence. (Doc. 13). On September 25, 2019, the magistrate judge to whom the case was referred entered a report pursuant to 28 U.S.C. § 636(b), in which he recommended that the Court dismiss Mr. Banks's habeas petition without prejudice to allow Mr. Banks to exhaust his state law remedies. (Doc. 23). The magistrate judge notified the parties of their right to file objections within fourteen (14) days; the Court has not received objections.

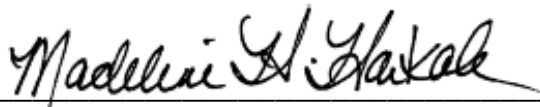
A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain

error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Having reviewed and considered the record in this case, including the magistrate judge's Report and Recommendation, the Court adopts the magistrate judge's findings and accepts his recommendation. Accordingly, the Court will dismiss this petition for writ of habeas corpus without prejudice to allow Mr. Banks to exhaust his available state court remedies. If Mr. Banks does not receive relief after he exhausts his state court remedies, then he may file a petition for habeas relief in federal court.

A separate final order will be entered.

**DONE** this 17th day of October, 2019.

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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE